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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,336	12/20/2001	Jeffrey L. Denkins	3147-34	1585

26753 7590 09/26/2003

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EXAMINER

NGUYEN, THUKHANH T

ART UNIT PAPER NUMBER

1722

DATE MAILED: 09/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/027,336	DENKINS, JEFFREY L.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thu Khanh T. Nguyen	1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,12-14 and 16-19 is/are rejected.
- 7) ☒ Claim(s) 3,9-11,15 and 20-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4-6, 8, 12, 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al (4,032,283).

Johnson et al teach an exterior corner tool (10), comprising two walls (17, 18) which come together at approximately 90°; wherein each wall defines a cavity (11a, 11b), a top surface (12, 13), a bottom surface, two side surfaces (11d-e), a back wall surface, and an interposed flow chamber (11c) situated within the drywall head to receive the supply of mastic compound, the drywall head comprising: a tapered flow channels (11a-b) formed in each of the walls and in communication with the flow chamber, said flow channels including a leading edge, a trailing edge, and a pair of retaining walls that define the width of the flow channel; wherein the width of each flow channel at the leading edge is greater than the width of the flow channel at the trailing edge (Fig. 1, 11a-b; col. 1, lines 49-50).

The tool further comprises a ball socket (19) on the back of the tool, a spring clip (21) disposed in a pair of recesses formed in a mounting block, providing means for securing the tool (10) to a mastic reservoir and dispenser (col. 1, lines 51-56); means for moving the tool across a tape joint without injury to the joint or impairment to the application of the mastic material from the corner tool (col. 1, lines 20-22), wherein each of the side walls container a pair of guide

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wheel (27, 28), and the top walls (12, 13) include a plurality of teeth positioned at one end of the flow channels.

3. Claims 1-2, 7-8, 12-14 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Edwards et al (6,155,809).

Edwards et al teach an apparatus for applying viscous mass to a surface corner, comprising and comprising two inner guide surfaces set (30) at generally 90° angles to each other (col. 2, lines 64-67), a top surface (31), a bottom surface (32), two side surfaces (33, 34), a back wall surface (23), and an interposed flow chamber (42) situated within the drywall head to receive the supply of mastic compound, the drywall head comprising: a tapered flow channels (44) formed in each of the inner guide surfaces (30) and in communication with the flow chamber (42), said flow channels including a leading edge, a trailing edge, and a pair of retaining walls that define the width of the flow channel; wherein the width of each flow channel at the leading edge is greater than the width of the flow channel at the trailing edge (Fig. 4).

The apparatus further comprises a non-removable ball assembly (38) attached to the back wall of the drywall head by fitting the ball assembly into a ball socket (35) located within the back wall of the drywall head, the ball assembly for directing the flow of mastic compound into the flow chamber from the delivery tool (36), wherein the ball assembly allows for pivotal movement of the all head in relation to the delivery tool, the ball assembly comprising a ball member (38) positioned within the ball socket and an arm member (37) for receiving the flow of mastic compound from the mastic delivery tool (36); and a bias member (39) positioned between

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the drywall head and the ball assembly for restricting the pivotal movement of the drywall head relative to the mastic delivery tool.

*Allowable Subject Matter*

4. Claims 3, 9-11, 15 and 20-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

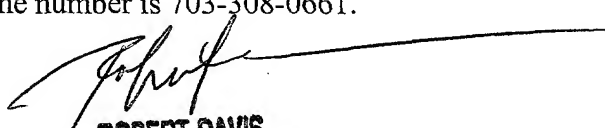
5. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach or disclose a C-spring assembly positioned to bias the drywall head into an application position, the C-spring assembly including a C-spring attached to the back wall of the drywall head at a first end and attached to the arm member of the ball assembly at a second end.

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Thu Khanh T. Nguyen whose telephone number is 703-305-7167. The examiner can normally be reached on Monday- Friday, 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L Walker can be reached on 703-308-0457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

TN

  
ROBERT DAVIS  
PRIMARY EXAMINER  
GROUP 1300-1700

9/17/07